

FIFTY-SIXTH DAY
(Wednesday, May 3, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Brown, Glasgow, McFarland.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Heavenly Father, You have taught us what is good, what is right and what is true. We thank You for Your words that point us to what is important and significant in our journey. Keep us strong in the faith and provide us with a special measure of Your mercy. Bless all who serve in this place this day.

In praise we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Brown was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator McFarland was granted leave of absence for today on account of important business on motion of Senator Brooks.

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S.J.R. 4	S.B. 930
S.C.R. 131	S.B. 1524
S.B. 66	H.B. 239
S.B. 85	H.B. 571
S.B. 194	H.B. 1035
S.B. 458	H.B. 1271
S.B. 745	H.B. 1417

REPORTS OF STANDING COMMITTEES

Senator McFarland submitted the following report for the Committee on Criminal Justice:

C.S.S.B. 979
C.S.S.B. 1333
C.S.S.B. 803
C.S.S.B. 467
C.S.S.B. 1404

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.C.R. 106
H.B. 541
H.B. 580
H.B. 1010
H.B. 1051

Senator Uribe, Vice-Chairman, submitted the following report for the Committee on Health and Human Services:

S.C.R. 98

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 1237

Senator Uribe, Vice-Chairman, submitted the following report for the Committee on Health and Human Services:

S.B. 1718
S.B. 1590 (Amended)
C.S.S.B. 1678
C.S.S.B. 1626
C.S.S.B. 1574
C.S.S.B. 1570
C.S.S.B. 1520
C.S.S.B. 1052

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.H.B. 1106
C.S.S.B. 1299

Senator Uribe, Vice-Chairman, submitted the following report for the Committee on Health and Human Services:

C.S.H.B. 1946

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 1687
C.S.S.B. 1707
C.S.S.B. 767
C.S.S.B. 1526
C.S.S.B. 1720
C.S.S.B. 730
C.S.S.B. 783

Senator Parker submitted the following report for the Committee on Education:

S.B. 519
C.S.S.B. 1501
C.S.S.B. 1450
C.S.S.B. 1782
C.S.S.B. 466
C.S.S.B. 1569

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be a Member of the TEXAS NATIONAL GUARD ARMORY BOARD: Brigadier General Lillian Dunlap, Bexar County.

To be Members of the STATE BOARD OF INSURANCE: Richard F. Reynolds, Denton County; Edwin J. "Jack" Smith, Jr., Dallas County.

To be Members of the TEXAS LOW-LEVEL RADIOACTIVE WASTE DISPOSAL AUTHORITY: Dr. Milton J. Guiberteau, Harris County; John E. Simek, Brazos County.

To be a Member of the AIR CONDITIONING AND REFRIGERATION CONTRACTORS ADVISORY BOARD: Henry Caesar Brown, Jr., Fort Bend County.

To be a Member of the ADVISORY BOARD OF ATHLETIC TRAINERS: Thomas D. Wilson, Jr., Harris County.

To be a Member of the TEXAS BOARD OF ARCHITECTURAL EXAMINERS: George Ray Rodgers, Harrison County.

To be a Member of the BOARD OF TRUSTEES, EMPLOYEES RETIREMENT SYSTEM OF TEXAS: J. Michael Weiss, Lubbock County.

To be a Member of the TEXAS NATIONAL RESEARCH LABORATORY COMMISSION: Peter O'Donnell, Jr., Dallas County.

To be Members of the STATE PENSION REVIEW BOARD: Joe M. Nuessle, Midland County; Paul H. Weyrauch, Llano County.

To be a Member of the BOARD OF TAX PROFESSIONAL EXAMINERS: Mrs. Phyllis J. Colon, Nueces County.

To be PUBLIC UTILITY COUNSEL: Ms. Carol Kingsbery Ottmers, Travis County.

To be Members of the TEXAS FUNERAL SERVICE COMMISSION: Russell Wayne Allen, Tarrant County; Reverend C. L. Jackson, Harris County; Scott Kurth, Dallas County; Percy Parsons, Castro County; Paul Gifford Pond, Jefferson County; Mrs. Lois Villasenor, Travis County.

To be a Member of the ANGELINA AND NECHES RIVER AUTHORITY: Paul Richard Riehle, Angelina County.

To be a Member of the BOARD OF DIRECTORS, BANDERA COUNTY RIVER AUTHORITY: J. B. Edwards, Bandera County.

To be a Member of the STATE HISTORICAL COMMISSION: Al Davis, Harris County.

To be JUDGE OF THE 146TH JUDICIAL DISTRICT COURT, BELL COUNTY: Jack Richard "Rick" Morris, Bell County.

To be NONRESIDENT VIOLATOR COMPACT ADMINISTRATOR: Calvin Michael Anderson, Travis County.

To be a Member of the BOARD OF DIRECTORS, NUECES RIVER AUTHORITY: Bruce Terry Foster, Medina County.

To be Members of the TEXAS REAL ESTATE COMMISSION: Henry Santamaria, El Paso County; Ms. Marsha Spencer, Harris County.

To be Members of the BOARD OF DIRECTORS, LAVACA-NAVIDAD RIVER AUTHORITY: M. H. Brock, Jackson County; Gene A. Ratliff, Jackson County; R. Don Sachtleben, Jackson County.

To be Members of the TEXAS RACING COMMISSION: Dr. Glenn Blodgett, King County; A. L. Mangham, Jr., Nacogdoches County.

To be a Member of the RUNNELS COUNTY WATER AUTHORITY: Kenneth Horton Slimp, Runnels County.

To be a Member of the BOARD OF DIRECTORS, UPPER COLORADO RIVER AUTHORITY: James David Clendennen, Coke County.

MESSAGE FROM THE HOUSE

House Chamber
May 3, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 981, Relating to exempting from sales and use taxes certain items used in the production of a motion picture.

H.B. 291, Relating to a drug testing program for certain job applicants and employees.

H.B. 535, Relating to the adjudication and disposition of a child for a misdemeanor that is punishable only by a fine or for the violation of a penal ordinance of a political subdivision.

H.B. 624, Relating to abandoned motor vehicles.

H.B. 760, Relating to requiring certain probationers and persons operating motor vehicles under license restrictions to install in motor vehicles devices that discourage driving while intoxicated.

H.B. 799, Relating to an emergency appropriation to the State Pension Review Board for administrative expenses.

H.B. 817, Relating to the establishment of an intensive recovery program for inmates of the Texas Department of Corrections with a history of alcohol or drug abuse.

H.B. 1263, Relating to the administration and financing of mass transportation.

H.B. 1522, Relating to the violation of traffic laws by certain minors.

H.B. 1645, Relating to the imposition of a civil penalty on a municipality that fails to comply with the law regarding limited purpose annexation.

H.B. 1878, Relating to persons who sell or transport natural gas for vehicle fuel.

H.B. 2111, Relating to the participation of defendants convicted of misdemeanors in public improvement programs of municipalities.

H.B. 2178, Relating to a revision of Title 15 of the Election Code regulating political funds and campaigns.

The House has refused to concur in Senate amendments to **H.B. 187** and has requested the appointment of a Conference Committee to consider the differences between the two houses. The following have been appointed on the part of the House: Robinson, Chair; Blair, Stiles, H. Cuellar of Webb, Berlanga.

The House has granted the request of the Senate for the appointment of a Conference Committee on **S.B. 264**. The following have been appointed on the part of the House: G. Luna of Bexar, Chair; Beauchamp, Madla, Morales, Wentworth.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTION ON FIRST READING

On motion of Senator Barrientos and by unanimous consent, the following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.C.R. 136 by Barrientos Jurisprudence
Granting John H. Biggar, Terrence Kendall, David Helfert, Edmund J. Fleming, Jr., and the Park 22 Joint Venture permission to sue the State of Texas and the State Department of Highways and Public Transportation.

S.B. 1798 by Brooks Intergovernmental Relations
Relating to financial support of the Texas State Guard.

S.B. 1799 by Harris Economic Development
Relating to the establishment of a civil process to assist in the prevention of insurance fraud.

S.B. 1800 by Parker Natural Resources
Relating to the terms of commissioners of the Orange County Navigation and Port District.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

- H.B. 18**, To Committee on Health and Human Services.
- H.B. 312**, To Committee on Health and Human Services.
- H.B. 362**, To Committee on State Affairs.
- H.B. 414**, To Committee on Intergovernmental Relations.
- H.B. 428**, To Committee on Finance.
- H.B. 433**, To Committee on Criminal Justice.
- H.B. 435**, To Committee on Economic Development.
- H.B. 459**, To Committee on Criminal Justice.
- H.B. 613**, To Committee on Economic Development.
- H.B. 759**, To Committee on State Affairs.
- H.B. 862**, To Committee on Jurisprudence.
- H.B. 869**, To Committee on Intergovernmental Relations.
- H.B. 972**, To Committee on Criminal Justice.
- H.B. 981**, To Committee on Finance.
- H.B. 995**, To Committee on Economic Development.

H.B. 1044, To Committee on Health and Human Services.
H.B. 1073, To Committee on Intergovernmental Relations.
H.B. 1083, To Committee on Economic Development.
H.B. 1098, To Committee on Economic Development.
H.B. 1108, To Committee on Jurisprudence.
H.B. 1164, To Committee on Criminal Justice.
H.B. 1193, To Committee on Intergovernmental Relations.
H.B. 1345, To Committee on Health and Human Services.
H.B. 1475, To Committee on Health and Human Services.
H.B. 1490, To Committee on Intergovernmental Relations.
H.B. 1603, To Committee on State Affairs.
H.B. 1677, To Committee on State Affairs.
H.B. 1768, To Committee on State Affairs.
H.B. 1874, To Committee on Intergovernmental Relations.
H.B. 1995, To Committee on Economic Development.
H.B. 2301, To Committee on Finance.
H.B. 2528, To Committee on Finance.
H.B. 2853, To Committee on Education.

CO-AUTHOR OF SENATE JOINT RESOLUTION 26

On motion of Senator Edwards and by unanimous consent, Senator Sims will be shown as Co-author of S.J.R. 26.

CO-AUTHORS OF SENATE JOINT RESOLUTION 74

On motion of Senator Edwards and by unanimous consent, Senators Henderson, Parker and Parmer will be shown as Co-authors of S.J.R. 74.

CO-AUTHOR OF SENATE BILL 637

On motion of Senator Edwards and by unanimous consent, Senator Sims will be shown as Co-author of S.B. 637.

CO-AUTHOR OF SENATE BILL 752

On motion of Senator Johnson and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 752.

CO-AUTHORS OF SENATE BILL 780

On motion of Senator Harris and by unanimous consent, Senators Leedom and Parker will be shown as Co-authors of S.B. 780.

CO-AUTHOR OF SENATE BILL 803

On motion of Senator Zaffirini and by unanimous consent, Senator Tejeda will be shown as Co-author of S.B. 803.

CO-AUTHOR OF SENATE BILL 913

On motion of Senator Parmer and by unanimous consent, Senator Barrientos will be shown as Co-author of S.B. 913.

CO-AUTHOR OF SENATE BILL 1719

On motion of Senator Zaffirini and by unanimous consent, Senator Edwards will be shown as Co-author of S.B. 1719.

CO-AUTHOR OF SENATE BILL 1753

On motion of Senator Zaffirini and by unanimous consent, Senator Sims will be shown as Co-author of S.B. 1753.

CO-AUTHORS OF SENATE BILL 1762

On motion of Senator Edwards and by unanimous consent, Senators Henderson, Parker and Parmer will be shown as Co-authors of S.B. 1762.

GUEST PRESENTED

The President introduced his guest, Dr. Joan Raymond.

Dr. Raymond, Superintendant, Houston Independent School District, was welcomed by the Senate.

SENATE RESOLUTION 547

Senator Barrientos offered the following resolution:

WHEREAS, The Ronald McDonald House has a new home in Waterloo Park and will celebrate its move with a dedication and ribbon-cutting ceremony at noon on Wednesday, May 3, 1989, and a public celebration later the same day; and

WHEREAS, The Austin Ronald McDonald House serves the people of the Central Texas area who are using nearby hospitals for their children; and

WHEREAS, The Ronald McDonald House is a home-away-from-home for families of children receiving hospital care for a very serious illness or injury; and

WHEREAS, The house provides an environment for emotional support to parents and siblings of sick children through a loving, caring, stable place they can call "home"; and

WHEREAS, It is a nonprofit, charitable organization which is led by volunteers from the community; it relies on the charitable gifts of individuals, corporations, and foundations; and

WHEREAS, Aptly called "The House That Love Built," the Ronald McDonald House began in Philadelphia in 1974; more than one million families have benefitted from the program that has grown to 120 houses in the United States and five other countries; and

WHEREAS, Over the past 14 years, local promotions by McDonald's restaurants nationwide have raised more than \$25 million to support the Ronald McDonald Houses; and

WHEREAS, The Texas Senate is delighted to welcome Ronald McDonald to the Senate Chamber and to recognize the wonderful work of the Ronald McDonald House in Austin; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby congratulate the Ronald McDonald House for its compassionate work with families in distress and express special thanks for its magnificent new facility; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the volunteers and staff of the Ronald McDonald House as a token of the deep respect and appreciation from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUESTS PRESENTED

Senator Barrientos escorted Mrs. Mary Hart, Member of the Ronald McDonald House Board of Directors, and "Ronald McDonald" to the President's Rostrum.

The President presented Mrs. Hart an enrolled copy of S.R. 547.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 3, 1989

TO THE SENATE OF THE SEVENTY-FIRST LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE STATE BOARD OF MEDICAL EXAMINERS,
FOR TERMS TO EXPIRE APRIL 13, 1995:

PENNY ANGELO
3106 Stanolind
Midland, Texas 79705

Mrs. Angelo will be replacing Bob Crouch of Greenville, whose term expired.
GILBERTO AGUIRRE, M.D.

9110 Rushing
San Antonio, Texas 78230

Dr. Aguirre will be replacing Dr. Drew D. Williams of Baytown, whose term expired.

LUIS M. RIOS, M.D.
Route 2, Box 585
Edinburg, Texas 78539

Dr. Rios will be replacing Dr. Suzanne Ahn of Dallas, whose term expired.

MILAM B. PHARO, M.D.
3208 Dartmouth
Dallas, Texas 75205

Dr. Pharo will be replacing Dr. N. E. Dudney of Webster, whose term expired.

TO BE A MEMBER OF THE TEXAS COMMISSION FOR THE DEAF, FOR
A TERM TO EXPIRE JANUARY 31, 1995:

GWENDEL D. BUTLER
2119 Barton Hills Drive
Austin, Texas 78704

Mr. Butler will be replacing William A. Floerke of Taft, who resigned.

TO BE A MEMBER OF THE STATE COMMISSION FOR THE BLIND, FOR
A TERM TO EXPIRE FEBRUARY 1, 1995:

DR. JAMES LAURENCE CALDWELL
6804 Rockledge Cove
Austin, Texas 78731

Dr. Caldwell will be replacing Don Louis Steelman of Marshall, whose term expired.

TO BE A MEMBER OF THE TEXAS STATE BOARD OF PUBLIC
ACCOUNTANCY, FOR A TERM TO EXPIRE JANUARY 31, 1995:

ROGER B. CLARK
P. O. Box 969
Stamford, Texas 79553

Mr. Clark will be replacing James F. Dunn, Jr., of Houston, whose term expired.

TO BE A MEMBER OF THE TEXAS COMMITTEE ON PURCHASES OF
PRODUCTS AND SERVICES OF BLIND AND SEVERELY DISABLED
PERSONS, FOR A TERM TO EXPIRE JANUARY 31, 1991:

MEARL ZEEK HARRIS
4413 Twisted Tree Drive
Austin, Texas 78735

Mr. Harris will be replacing Patrick Loftin of Austin, whose term expired.

Respectfully submitted,
/s/W. P. Clements, Jr.
William P. Clements, Jr.
Governor of Texas

GUEST PRESENTED

Senator Zaffirini was recognized and presented Dr. James C. Lee of Seguin.

Dr. Lee, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

SENATE BILL 734 WITH HOUSE AMENDMENT

Senator Haley called S.B. 734 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Floor Amendment on Third Reading - Shine

Amend S.B. 734 by striking the language in Subdivisions (1), (2), (3) and (4) of Subsection (a) of Sec. 11-E of SECTION 1, and by substituting the following in lieu thereof:

- (1) the performance of duties in positions designated in the automated data processing, controller, and fiscal departments, and in local and regional offices where positions are designated to handle receipts and disbursements of cash;
- (2) access to a computer terminal, where the information stored therein is confidential as required by law;
- (3) access to a master key, for those individuals given access to the premises, other than during regular working hours; or
- (4) the performance of duties in other positions deemed to be security sensitive by the state auditor or the Inspector General of the United States Department of Labor.

The amendment was read.

On motion of Senator Haley and by unanimous consent, the Senate concurred in the House amendment to S.B. 734 viva voce vote.

GUEST INTRODUCED

Senator Krier, upon recognition, introduced the Honorable Humberto Hernandez, Consul General of Mexico in San Antonio.

The Senate welcomed this distinguished guest.

SENATE RESOLUTION 568

Senator Truan offered the following resolution:

WHEREAS, The Senate of the State of Texas is proud to honor San Antonio attorney Frank Herrera, Jr., who was named national Chairman of the Mexican American Legal Defense and Educational Fund (MALDEF) at its Washington, D.C., board meeting on April 28, 1989; and

WHEREAS, Founded in San Antonio in 1968, MALDEF staff has toiled relentlessly to eliminate discrimination and improve the civil rights of Mexican

Americans in the areas of employment, education, voting rights, immigration, and leadership development; and

WHEREAS, President and senior partner in the law firm of Herrera, Vega and Rocha, Inc., this distinguished barrister sees his top priority as assuring equal representation for Hispanics in the congressional redistricting following the 1990 census; and

WHEREAS, A brilliant attorney and passionate civil rights advocate, Mr. Herrera has served with great distinction as a member of the Board of Directors of the Texas Trial Lawyers Association; St. Mary's University Board of Directors, Alumni Association; and the Board of Directors of MALDEF; and

WHEREAS, A director of the Mexican American Bar Association and the American Board of Trial Advocates, Mr. Herrera received the Distinguished Law Alumni Award of St. Mary's University School of Law in 1987; and

WHEREAS, Certified in labor law, personal injury, and civil trial law, he has published several law journal articles; and

WHEREAS, Few individuals have given so generously to the cause of equal justice and freedom for all men as has Frank Herrera, Jr.; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby congratulate Frank Herrera, Jr., on his recent appointment as President of the Board of MALDEF and commend him for his humanitarian efforts; and, be it further

RESOLVED, That copies of this Resolution be prepared for Mr. Herrera and for MALDEF as an expression of highest esteem and regard from the Texas Senate.

TRUAN
KRIER
BARRIENTOS
SANTIESTEBAN
ZAFFIRINI
TEJEDA
URIBE

The resolution was read.

On motion of Senator Washington and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan, the resolution was adopted viva voce vote.

GUEST PRESENTED

Following laudatory remarks, Mr. Herrera was escorted to the President's Rostrum to receive an enrolled copy of S.R. 568 from the President.

SENATE RESOLUTION 366

Senator Washington offered the following resolution:

WHEREAS, It is a distinct pleasure for the Senate of the State of Texas to honor Helen B. Kapiloff who recently received the Life Time Achievement Award from the Houston Unit of the National Association of Social Workers; and

WHEREAS, Helen Kapiloff is the Director of Social Work for the Veterans Administration Hospital in Houston and has held that position since March, 1949; and

WHEREAS, She has a long history of advocacy for her clients and for the profession of social work and has been active on both the local and state level; and

WHEREAS, Born in Houston on October 13, 1915, Ms. Kapiloff graduated with a bachelor of arts degree in 1935 from Rice University and continued her education at the University of Chicago School of Social Service Administration, receiving her master's degree in 1937; and

WHEREAS, She worked at Johns Hopkins Hospital in Baltimore, Maryland, as a medical social worker for a year before joining the Committee for Care of Jewish Tuberculous in New York City where she stayed three years until the end of 1941; and

WHEREAS, After working for the American Red Cross in Washington, D. C., during 1942-1943, she returned to her native Houston as Case Supervisor with the Harris County American Red Cross; and

WHEREAS, She is credited by her contemporaries as being responsible for changing Houston to a community with professional delivery of social work services; and

WHEREAS, As the only public social worker on the Council of Social Agencies, she served as the liaison between other public social workers and the private members of the council; and

WHEREAS, Ms. Kapiloff upheld the validity of professionals in the public sector and lobbied for the recognition both within her organization and in the community; and

WHEREAS, Her driving force was critical in establishing the Graduate School of Social Work at The University of Texas and the Graduate School of Social Work at the University of Houston where she served as a field instructor, as a classroom instructor, and on numerous committees; and

WHEREAS, A founding member and charter member of most of the major social welfare and hospital social work groups in this region of the state, she has wisely used her very real talent to mobilize for action in policy planning and program development; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 71st Legislature, hereby commend the untiring efforts of Helen B. Kapiloff on behalf of the social work community; and, be it further

RESOLVED, That a copy of this Resolution be prepared for her as an expression of gratitude and appreciation from the Texas Senate.

The resolution was read and was adopted viva voce vote.

GUEST PRESENTED

Senator Washington escorted Ms. Kapiloff to the President's Rostrum.

The Senate welcomed Ms. Kapiloff and extended a message of appreciation for her humanitarian efforts as the President presented an enrolled copy of S.R. 366 to her.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

HOUSE BILL 347 ON SECOND READING

On motion of Senator Washington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 347, Relating to jury service.

The bill was read second time and was passed to third reading viva voce vote.

RECORD OF VOTES

Senators Ratliff and Sims asked to be recorded as voting "Nay" on the passage of the bill to third reading.

**COMMITTEE SUBSTITUTE
SENATE BILL 497 ON THIRD READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

C.S.S.B. 497, Relating to the continuation and functions of the Texas Animal Health Commission; providing criminal penalties.

The bill was read third time and was passed viva voce vote.

CONFERENCE COMMITTEE ON HOUSE BILL 187

Senator Zaffirini called from the President's table for consideration at this time the request of the House for a Conference Committee to adjust the differences between the two Houses on **H.B. 187** and moved that the request be granted.

The motion prevailed.

The President asked if there were any motions to instruct the Conference Committee on **H.B. 187** before appointment.

There were no motions offered.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Zaffirini, Chairman; Carriker, Parmer, Tejeda and Truan.

**COMMITTEE SUBSTITUTE
SENATE BILL 612 ON SECOND READING**

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 612, Relating to a requirement that local employment impact statements accompany certain proposed rules by state agencies.

The bill was read second time.

Senator Armbrister offered the following amendment to the bill:

Amend **C.S.S.B. 612** as follows:

1. On page 1, between lines 37 and 38, add a new subsection to read as follows and renumber the subsequent subsections accordingly:

(b) This section does not apply to the adoption of rules on an emergency basis by a state agency.

2. On page 1, line 54, add the following after the word "liaison.":

If the commission does not deliver the local employment impact statement to the agency within the required time period after the date the commission receives the proposed rule, the proposed rule will be presumed to have no local employment impact.

3. On page 1, between lines 54 and 55, add a new subsection to read as follows:

(c) The legal effect of the rules promulgated under the Administrative Procedure and Texas Register Act is in no way impaired by the failure to comply with the requirements under this section.

The amendment was read and was adopted viva voce vote.

On motion of Senator Armbrister and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 612 ON THIRD READING**

Senator Armbrister moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 612 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brown, Glasgow, McFarland.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Glasgow, McFarland.

**COMMITTEE SUBSTITUTE
SENATE BILL 1665 ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1665, Relating to amending the Municipal Airports Act to amend the purposes for which a municipality may establish, develop, construct, enlarge, and improve airports or air navigation facilities.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1665 ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 1665 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brown, Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 80 ON SECOND READING**

On motion of Senator Uribe and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 80, Relating to the regulation of persons engaged in removing asbestos from public buildings or disturbing or encapsulating that asbestos; providing penalties.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 80 ON THIRD READING**

Senator Uribe moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 80 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brown, Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

SENATE BILL 135 ON SECOND READING

Senator Parmer asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 135, Relating to the punishment of murder during the commission or attempted commission of an aggravated felony under the Texas Controlled Substances Act as a capital offense.

There was objection.

Senator Parmer then moved to suspend the regular order of business and take up S.B. 135 for consideration at this time.

The motion prevailed by the following vote: Yeas 23, Nays 2, Present-not voting 1.

Yeas: Armbrister, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Johnson, Krier, Leedom, Lyon, Montford, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Santiesteban, Washington.

Present-not voting: Barrientos.

Absent: Henderson, Parker.

Absent-excused: Brown, Glasgow, McFarland.

(Senator Brooks in Chair)

The bill was read second time and was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

RECORD OF VOTE

Senator Barrientos asked to be recorded as voting "Present-not voting" on the passage of the bill to engrossment.

SENATE BILL 135 ON THIRD READING

Senator Parmer moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that S.B. 135 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 23, Nays 2, Present-not voting 1.

Yeas: Armbrister, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Green, Haley, Harris, Johnson, Krier, Leedom, Lyon, Montford, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Santiesteban, Washington.

Present-not voting: Barrientos.

Absent: Henderson, Parker.

Absent-excused: Brown, Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTE

Senator Washington asked to be recorded as voting "Nay" on the final passage of the bill.

RECORD OF VOTE

Senator Barrientos asked to be recorded as voting "Present-not voting" on the final passage of the bill.

(Senator Caperton in Chair)

COMMITTEE SUBSTITUTE

SENATE BILL 755 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 755, Relating to the amount of the fee charged and collected for the manufactured homeowners' recovery fund.

The bill was read second time and was passed to engrossment viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 755 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 755** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brown, Glasgow, McFarland.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Brown, Glasgow, McFarland.

COMMITTEE SUBSTITUTE

SENATE BILL 1679 ON SECOND READING

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1679, Relating to the care and treatment of persons with intractable pain by the use of dangerous drugs or controlled substances; providing a penalty.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1679 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 1679 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brown, Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1025 ON SECOND READING**

Senator Brooks asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1025, Relating to the power of a nonprofit corporation to lend money to or otherwise assist an officer or director.

There was objection.

Senator Brooks then moved to suspend the regular order of business and take up **C.S.S.B. 1025** for consideration at this time.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Armbrister, Barrientos, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Haley, Harris, Henderson, Johnson, Krier, Parker, Ratliff, Santiesteban, Sims, Tejada, Whitmire, Zaffirini.

Nays: Green, Leedom, Lyon, Montford, Parmer, Truan, Uribe, Washington.

Absent-excused: Brown, Glasgow, McFarland.

The bill was read second time.

Senator Ratliff offered the following amendment to the bill:

Amend **C.S.S.B. 1025** in the following manner:

On page 1, line 52, strike subsection (6) and insert in lieu thereof the following:

(6) To lend money to[;] and otherwise assist[;] its employees and officers, but not its ~~[officers and]~~ directors, if the loan or assistance may reasonably be expected to benefit, directly or indirectly, the corporation providing the assistance. Loans made to officers must be:

(a) made for the purpose of financing the principal residence of the officer;
or

(b) made during the first year of that officer's employment, in which case the original principal amount may not exceed 100 percent of the officer's annual salary;
or

(c) made in any subsequent year, in which case the original principal amount may not exceed 50 percent of the officer's annual salary.

The amendment was read and was adopted viva voce vote.

On motion of Senator Brooks and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

RECORD OF VOTE

Senator Lyon asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 1025 ON THIRD READING**

Senator Brooks moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.B. 1025 be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 20, Nays 7. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Bivins, Brooks, Caperton, Carriker, Dickson, Edwards, Haley, Harris, Henderson, Johnson, Krier, Lyon, Parker, Ratliff, Santiesteban, Sims, Tejeda, Whitmire, Zaffirini.

Nays: Barrientos, Leedom, Montford, Parmer, Truan, Uribe, Washington.

Absent: Green.

Absent-excused: Brown, Glasgow, McFarland.

SENATE BILL 600 ON THIRD READING

Senator Lyon moved that the regular order of business be suspended and that S.B. 600 be placed on its third reading and final passage.

S.B. 600. Relating to the authority of a public utility to self-insure against certain losses and to the consideration of those costs in determining rates.

The motion prevailed by the following vote: Yeas 20, Nays 8.

Yeas: Armbrister, Bivins, Brooks, Carriker, Dickson, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, Montford, Parker, Ratliff, Santiesteban, Sims, Uribe, Whitmire.

Nays: Barrientos, Caperton, Edwards, Parmer, Tejeda, Truan, Washington, Zaffirini.

Absent-excused: Brown, Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

RECORD OF VOTES

Senators Edwards and Truan asked to be recorded as voting "Nay" on the final passage of the bill.

MESSAGE FROM THE HOUSE

House Chamber
May 3, 1989

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 361. Relating to the compensation of certain crime victims. (As substituted)

S.B. 916. Relating to the offense of evading arrest or detention.

S.B. 54, Relating to the reenactment of the law relating to jury instructions on good conduct time and parole.

S.B. 29, Relating to chemical precursor and chemical laboratory apparatus record-keeping, reporting and transfer requirements and penalties; to chemical precursor and chemical laboratory apparatus transfer permits; and to the creation of the offenses of unlawful transfer or receipt of a chemical precursor or chemical laboratory apparatus. (As substituted and amended)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**COMMITTEE SUBSTITUTE
SENATE BILL 1233 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1233, Relating to grievance and complaint resolution procedures for certain state employees.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1233 ON THIRD READING**

Senator Barrientos moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **C.S.S.B. 1233** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent-excused: Brown, Glasgow, McFarland.

The bill was read third time and was passed viva voce vote.

HOUSE JOINT RESOLUTION 4 REREFERRED

On motion of Senator Ratliff and by unanimous consent, **H.J.R. 4** was withdrawn from the Committee on State Affairs and rereferred to the Committee on Health and Human Services.

**NOTICE OF SESSION TO HOLD
LOCAL AND UNCONTESTED BILLS CALENDAR**

Senator Sims announced that a Local and Uncontested Bills Calendar had been placed on the Members' desks and gave notice that a Local and Uncontested Bills Calendar would be held at 8:00 a.m. tomorrow and that all bills would be considered on second reading in the order in which they are listed.

SENATE RULE 11.11 SUSPENDED

On motion of Senator Brooks and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Health and Human Services might consider **H.B. 1841** upon recess today.

MEMORIAL RESOLUTIONS

- S.R. 560 - By Glasgow: In memory of Mayor Walter Hales of Bridgeport.
S.R. 561 - By Glasgow: In memory of James D. Gardner of Meridian.
S.R. 562 - By Glasgow: In memory of Thurmond Spencer of Glen Rose.
S.R. 563 - By Glasgow: In memory of Wesley I. Lane, Jr., of Fort Worth.
S.R. 564 - By Glasgow: In memory of Bettye Harris of Lewisville.
S.R. 565 - By Glasgow: In memory of Billie Cox Gaines of Dublin.
S.R. 566 - By Glasgow: In memory of Charles Newby of Burleson.
S.R. 567 - By Glasgow: In memory of Chief Deputy David Jones of Comanche.

CONGRATULATORY RESOLUTIONS

- S.R. 541 - By Carriker: Expressing appreciation to the crew of the USS Little and wishing for them a most rewarding reunion.
S.R. 558 - By Henderson: Extending congratulations to Jon Christopher Moore on attaining the rank of Eagle Scout.
S.R. 559 - By Henderson: Extending congratulations to Clifton Kyle Netterville on attaining the rank of Eagle Scout.
S.R. 569 - By Truan: Commending the Nueces County Community Action Agency for the dedication and spirit of caring with which the directors and employees carry on the work of assisting those Texans in greatest need.

RECESS

On motion of Senator Brooks, the Senate at 12:50 p.m. took recess until 8:00 a.m. tomorrow.

FIFTY-SIXTH DAY

(Continued)

(Thursday, May 4, 1989)

AFTER RECESS

The Senate met at 8:00 a.m. and was called to order by Senator Sims.

SENATORS ANNOUNCED PRESENT

Senators Brown, Glasgow and McFarland, who had previously been recorded as "Absent-excused," were announced "Present."

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer (Senator Sims in Chair) announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time and passed: (Vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill.)